BOMBAY ACT No. XLII OF 1949.[1]

[THE BOMBAY PREVENTION OF EXCOMMUNICATION ACT, 1949.]

[*1st November 1949*]

An Act to prohibit excommunication in the Province of Bombay.

WHEREAS it has come to the notice of Government that the practice prevailing in certain communities of excommunicating its members is often followed in a manner which results in the deprivation of legitimate rights and privileges of it; members;

AND WHEREAS in keeping with the spirit of changing times and in the public interest, it is expedient to stop the practice; It is hereby enacted as follows :—

1. (*1*) This Act may be called the Bombay Prevention of Excommunication Act, 1949. Short title and extent.

(*2*) It extends to the whole of the Province of Bombay.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) "community" means a group the members of which are connected together by reason of the fact that by birth, conversion or the performance of any religious rite they belong to the same religion or religious creed and includes a caste or sub-caste;

(*b*) "excommunication" means the expulsion of a person from any community of which he is a member depriving him of rights and privileges which are legally enforceable by a suit of civil nature by him or on his behalf as such member;

Explanation.—For the purposes of this clause a right legally enforceable by a suit of civil nature shall include the right to office or property or to worship in any religious place or a right of burial or cremation, notwithstanding the fact that the determination of such right depends entirely on the decision of the question as to any religious rites or ceremonies or rule or usage of a community.

3. Notwithstanding anything contained in any law, custom or usage for the time being in force, to the contrary, no excommunication of a member of any community shall be valid and shall be of any effect. Excommunication not to be valid and of any effect.

4. Any person who does any act which amounts to or is in furtherance of the excommunication of any member of a community shall, on conviction, be punished with fine which may extend to one thousand rupees. Penalty.

Explanation.—When any person alleged to have committed an offence under this section is a body or an association of individuals, whether incorporated or not, if the offence is alleged to have been committed at a meeting of such body or association, any individual who has voted in favour of the decision regarding the excommunication shall be deemed to have committed the offence.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, page 424.

Jurisdiction under this Act.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, no Court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any offence punishable under section 4. V of 1898.

Mode of taking cognizance of offence.

6. No Court shall take cognizance of an offence punishable under section 4,—

(*a*) after the expiry of one year from the date on which the offence is alleged to have been committed, and

(*b*) without the previous sanction of the Provincial Government or any officer authorised by the Provincial Government not below the rank of the Commissioner of Police in Greater Bombay and the District Magistrate elsewhere.